Commission Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organisations

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Contents

- Issues / Challenges
- Development at EU level
- Content of the Recommendation and Code of Practice
- Further activities
Issues / Challenges

- Improve European competitiveness in the knowledge-based economy
  - Better and more pervasive commercial exploitation of all forms of intellectual property
    - Professional management of intellectual property at universities and other public research institutions
    - More and better cooperation between universities and industry
    - More granting and generating of licenses from spin-offs
  - More research and innovation to meet current social challenges
New developments on EU level

- ERA Green Paper 2007 – five ERA initiatives
- Commission Communication on Knowledge Transfer, COM (2007) 182 final
- IP Charta Initiative of German EU Presidency 2007
- Commission Recommendation on Knowledge Transfer and Code of Practice C (2008) 1329
- Innovation Union – Commission Communication COM (2010) 546 final
Innovation Union

- Action 20 promote open access
- Action 21 facilitate effective research and knowledge transfer
- Action 22 develop a European knowledge market
- Action 23 examine the role of competition policy in safeguarding against use of IPR for anti-competitive purposes
The Recommendation and Code of Practice

- **Goal**
  - Promotion and improvement of knowledge transfer between universities and other public research institutions and industry
  - Better consistency between national knowledge transfer systems

- **Content**
  - **Policy recommendations for governments**
  - **Internal code of conduct** for universities and other public research institutions
  - **Identified practices** that facilitate the management of intellectual property in knowledge transfer
Recommendations to member states 1/2

- Ensure that knowledge transfer is designated as a strategic task in research institutions
- Encourage research facilities to continue to lay down guidelines and procedures for the management of intellectual property
- Promote the dissemination of knowledge transfer through public funding
Recommendations to member states
2/2

- Improve the coherence of IP rights
- Use outlined principles as a basis for agreements on research cooperation with third countries
- Ensure the widest possible implementation of the Code of Practice
- Ensure equal and fair treatment of participants from other countries
Code of Practice 1/3

- **Principles for an internal policy on intellectual property**
  - Develop an IP policy
  - Clear rules for staff and students
  - Identification, protection and exploitation of intellectual property
  - Incentives for staff to support IP policy
  - Consider the creation of coherent IP portfolios and pools
  - Raise awareness and skills regarding intellectual property and knowledge transfer
  - Develop a publication/dissemination policy
Code of Practice 2/3

- **Principles for a knowledge transfer policy**
  - Consider all types of exploitation methods and partners
  - Ensure access to professional services for knowledge transfer
  - Develop licensing policy and policy on spin-offs
  - Establish principles for sharing financial returns
  - Monitor intellectual property protection and knowledge transfer activities
Code of Practice 3/3

- Principles regarding collaborative and contract research
  - Rules ...
  - Questions...
  - Property rights...
  - Access rights...
Identified practices that facilitate knowledge transfer

- Knowledge transfer as a strategic mission of public research institutions
- Policy for the management of intellectual property
- Knowledge transfer capacities and skills
- Coherence in trans-national cooperation
- Dissemination of knowledge gained
- Monitoring implementation of the recommendation
Activities following the recommendation

- **Council Resolution** of 30 May 2008
  - Welcome and support the Recommendation
    - A partnership was requested between Member States and the Commission as well as control mechanisms to implement the monitoring and evaluation of the enactment of the Recommendation and the Code of Practice
  - Establishing a working group in KT under ERAC / CREST with sub-groups on indicators and international aspects
  - Knowledge Transfer Study, to support ERAC
Knowledge Transfer Study 2010-2012

- **Survey of Member States** on measures and programmes to promote knowledge transfer
- **Data collection on indicators** such as patents and licenses, collaboration with industry and spin-offs
- **Survey** and interviews with universities and companies
  - In-depth qualitative information about the application of the principles of the Code of Practice and its impact
- **Workshops**
  - *Identification of barriers to knowledge transfer*
    - In-depth understanding of national / regional situations
    - Discussion and exchange of new national or specific issues
  - Promoting knowledge transfer and application of the Code of Practice principles